

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, May 12, 2004
9:00 a.m.*

<p>City of Laguna Beach City Council Chambers 505 Forest Avenue Laguna Beach, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 9:00 A.M. on Thursday, April 28, 2004, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, May 5, 2004 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov. Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 9:00 A.M. on Thursday, April 28, 2004.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: February 11, 2004.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 10 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. An Emergency Temporary Conditional Waiver of Statutory Requirements to File a Report of Waste Discharge and the Adoption of Waste Discharge Requirements for Management and Disposal of Solid Wastes from the 2003 Wildfire Destruction in the San Diego Region. (Tentative Addendum No. 1 to Resolution No. R9-2003-0391) (*John Odermatt*)
6. City of San Diego: Administrative Assessment of Civil Liability containing a \$9,000 Mandatory Minimum Penalty against the City of San Diego for violation of effluent limitations established by Order No. R9-2003-0050, NPDES No. CA0109029, Waste Discharge Requirements for Groundwater Extraction Waste Discharges to San Diego Bay from the San Diego Convention Center, San Diego County. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0107) (*Rebecca Stewart*)
7. Kinder Morgan Energy Partners, LP, San Diego: Administrative Assessment of Civil Liability containing a \$3,000 Mandatory Minimum Penalty against Kinder Morgan Energy Partners, LP for violation of effluent limitations established by Regional Board Order No. R9-2001-0096, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region, Except for San Diego Bay. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0101) (*Frank Melbourne*)
8. San Diego County Water Authority, San Marcos: Administrative Assessment of Civil Liability containing a \$12,000 Mandatory Minimum Penalty against San Diego County Water Authority for violation of effluent limitations established by Regional Board Order No. R9-2001-0096, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region, Except for San Diego Bay. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0100) (*Frank Melbourne*)
9. NPDES Permit Revision: U.S. Naval Base Point Loma, San Diego Bay (tentative Addendum No. 2 to Order No. R9-2002-0002, NPDES Permit No. CA0109363) (*Paul Richter*)

10. NPDES Permit Revision: U.S. Naval Base Coronado, San Diego Bay (tentative Addendum No. 1 to Order No. R9-2003-0008, NPDES Permit No. CA0109185) (*Paul Richter*)

Remainder of the Agenda (Non-Consent Items):

11. Status Report: Orange County Coastkeeper, Kelp Reforestation Project: The Orange County Coastkeeper will give a brief presentation on their Kelp Reforestation Supplemental Environmental Project funded through Administrative Civil Liability Order No. R9-2003-0037 issued to South Coast Water District. (*Rebecca Stewart*)
12. Resolution to State Water Resources Control Board: University of California Scripps Institution of Oceanography, Consideration of Exception to the 2001 California Ocean Plan. (Tentative Resolution No. R9-2004-0013) (*Sabine Knedlik*)
13. **PUBLIC HEARING:** Southland Corporation, Store No. 20342, Oceanside: Administrative Assessment for Civil Liability containing a \$3,000 Mandatory Minimum Penalty against Southland Corporation for Violation of Order No. 96-41, NPDES Permit No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges From Construction and Remediation Projects to Surface Waters within the San Diego Region, Except for San Diego Bay. If the discharger waives its right to a hearing, the matter will be postponed to a subsequent meeting to allow for a 30 day public review period. (Tentative Order No. R9-2004-0113) (*Frank Melbourne*)
14. **PUBLIC HEARING:** Southland Corporation, Store No. 22894, Escondido: Administrative Assessment for Civil Liability containing a \$9,000 Mandatory Minimum Penalty against Southland Corporation for Violations of Order No. 96-41, NPDES Permit No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges From Construction and Remediation Projects to Surface Waters within the San Diego Region, Except for San Diego Bay. If the discharger waives its right to a hearing, the matter will be postponed to a subsequent meeting to allow for a 30 day public review period. (Tentative Order No. R9-2004-0113) (*Frank Melbourne*)
15. Status Report: Orange County MS4 Storm Water Programs Annual Report (*Jeremy Haas*)
16. Status Report: Clean Marina Program (*Pete Michael*)
17. **Executive Session - Discussion of Ongoing Litigation**
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61 (*David Hanson*); and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS) (*David Hanson*)

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (*David Hanson*); and the related case:

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR) (*David Hanson*)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Fallbrook Public Utilities District v. State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Case No. GIC 819771 (referred to as “MMP case”); Petition for Writ of Mandate challenging administrative assessment of civil liability based on mandatory minimum penalties for violation of effluent limits in NPDES waste discharge requirements. (*Frank Melbourne*)

Fallbrook Public Utilities District v. State Water Resources Control Board, et al., San Diego County Superior Court Case No. GIC822179 (referred to as “Permit Modification case”); Regional Board failure to act on a request by Fallbrook PUD to amend certain permit conditions contained in NPDES waste discharge requirements. (*Frank Melbourne*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

18. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
19. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.

Schutte & Koerting, Inc. and Ametek, Inc v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region
20. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
21. Arrangements for Next Meeting and Adjournment

Wednesday, June 9, 2004 - 9:00 a.m.
Water Quality Control Board
Regional Board Hearing Room
9174 Sky Park Court
San Diego, California

Notifications

- A. On June 9, 2004, the Regional Board will consider adoption of tentative Order No. R9-2004-0042, an Order rescinding thirteen individual Waste Discharge Requirements (WDRs). It is appropriate to rescind the WDRs because the facilities are closed, have terminated operations, or no longer require the WDRs because of coverage under a different permit. (*Whitney Ghoram*)

Order No. 94-138, *Waste Discharge Requirements for Mr. Pete De Jong, Hollandia Dairy, San Marcos, California, San Diego County.*

Order No. 94-129, *Waste Discharge Requirements for Mr. Jake De Raadt, Edenvale Dairy, San Diego County.*

Order No. 93-120, *Waste Discharge Requirements for Calmat, Lakeside Plant, San Diego County.*

Order No. 95-56, *Waste Discharge Requirements for El Toro Materials – Glass Canyon Facility, Orange County.*

Order No. 95-11, *Waste Discharge Requirements for Caetana Swiss Dairy, Santa Ysabel, San Diego County.*

Order No. 95-12, *Waste Discharge Requirements for Mr. Phillip Cauzza, Mesa Chiquita Ranch Dairy, San Diego County.*

Order No. 91-78, *Waste Discharge Requirements for Encina Wastewater Authority, Encina Water Pollution Control Facility Reclaimed Water Irrigation of Interstate 5 Right-of-Way, San Diego County.*

Order No. 82-03, *Water Reclamation Requirements for Daon Corporation for Landscape Irrigation in the Buena Sanitation District, San Diego County.*

Order No. 93-45, *Waste Discharge Requirements for Bio Gro Systems, Incorporated, Riverside County.*

Order No. 97-32, *Waste Discharge Requirements for Wheelabrator Water Technologies, Incorporated, Bio Gro Division Land Application of Biosolids to Agricultural Sites in San Diego County.*

Order No. 97-42, *Waste Discharge Requirements for Pima Gro Systems, Incorporated, Land Application of Biosolids to Agricultural Sites in San Diego County.*

Order No. 88-17, *Waste Discharge Requirements for Caster Group, Lakeside Sand Plant, (previously Woodward Sand and Materials Company) San Diego County.*

Order No. 94-137, *Waste Discharge Requirements for Cloverdale Dairy, San Diego County*.

B. Notice of Public Workshop and Public Hearing on 2004 Basin Plan Triennial Review:

Workshop - May 26, 2004. Hearing - June 9, 2004 Regional Board Meeting.

The Regional Board will conduct a workshop to present a technical report and tentative resolution adopting the 2004 Basin Plan Triennial Review. The technical report contains a list of proposed Basin Plan water quality issues that may be investigated and addressed through Basin Plan amendments over the next three years. The purpose of the public workshop is to provide an overview of the Regional Board's technical report and tentative resolution, answer questions, and receive comments from the public. The tentative resolution, technical report, and supporting documents will be available to the public on the Regional Board website and at the Regional Board office for review no later than start of business May 10, 2004.

A hearing on the 2004 Basin Plan Triennial Review will be held on Wednesday, June 9, 2004, to receive testimony pertaining to the 2004 Basin Plan Triennial Review Tentative Resolution, technical report, and supporting documents. The Regional Board will deliberate and consider adoption of the revised 2004 Basin Plan Triennial Review Tentative Resolution on Wednesday, August 11, 2004. The notice for the workshop and hearing are enclosed with this agenda. The notice is also available on the Regional Board's website.

DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.